

STATEMENT OF THE CASE

On March 2, 2001, John Ewing filed a Petition for Habeas Corpus (28 U.S.C. §2254) Brief in Support, and Appendix in the United States District Court for the Eastern District of Michigan. (R. 1, Petition, Apx. p. ____; Brief, Apx. p. ____; Appendix, Apx. p. ____). A motion for discovery was granted in part and denied in part on September 25, 2002. (R. 45, Motion for Discovery, Apx. p. ____; R. 55, Order, Apx. p. ____) On September 29, 2003, the district judge, the Hon. Nancy G. Edmunds, entered an Opinion, Order, and Judgment Denying Petition for Writ of Habeas Corpus. (R. 69, Opinion and Order, Apx. p. ____; R. 70, Judgment, Apx. p. ____) Rehearing was denied on October 31, 2003. (R. 72, Order, Apx. p. ____) A Notice of Appeal, Motion for Certificate of Appealability and Brief in Support was filed by the petitioner on November 26, 2003. (R. 74, Notice of Appeal, Apx. p. ____; R. 73, Motion for Certificate of Appealability, Apx. p. ____, Brief, Apx. p. ____) On January 1, 2004, the district court granted a certificate of appealability as to one of the three issues raised by petitioner in his petition. (R. 79, Opinion and Order, Apx. p. ____) On July 9, 2004, this court granted the petitioner's motion for certificate of appealability as to a second issue raised by petitioner in the district court. (R. 81, Order, Apx. p. ____)